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Arizona Revised Statutes
Rules of the Supreme Court of Arizona Supreme Court
V. Regulation of the Practice of Law
A.R.S. Sup.Ct. Rules
Effective January 1, 2017

Rule 34. Application for Admission

(a) Methods of admission to the practice of law in Arizona. Persons desiring to be admitted to the practice of law in the State of Arizona may apply for admission by one of three methods: (1) admission by Arizona uniform bar examination, (2) admission on motion, or (3) admission by transfer of uniform bar examination score from another jurisdiction.

(b) Applicant Requirements and Qualifications.

1. No applicant will be recommended for admission to the practice of law in Arizona by the Committee on Character and Fitness unless the Committee is satisfied that:

- A. the applicant is over the age of twenty-one years;
- B. the applicant is of good moral character;
- C. the applicant is mentally, emotionally and physically able to engage in the practice of law, and possesses the required knowledge of the law to do so;
- D. the applicant is a graduate with a juris doctor from a law school provisionally or fully approved by the American Bar Association at the time of graduation or the applicant is a graduate with a juris doctor and has been ~~actively-primarily~~ engaged in the active practice of law in some other state or states for at least three of the last five years prior to filing an application for admission to practice in Arizona; and
- E. if ever admitted to practice in any jurisdiction, foreign or domestic, the applicant is presently in good standing and is not on conditional admission, or the applicant resigned in good standing or is capable of achieving good standing status in that jurisdiction.
- F. the Arizona uniform bar examination applicant has successfully completed the course on Arizona law described in paragraph 0) of this rule.

2. An applicant may be allowed to sit for the Arizona uniform bar examination prior to the award of a juris doctor degree if the applicant:

- A. is a currently enrolled student in good standing at a law school fully or provisionally approved by the American Bar Association;
- B. is expected to graduate with a juris doctor degree within one hundred twenty (120) days of the first day of early exam administration;

C. has satisfied all requirements for graduation with a juris doctor except for not more than eight (8) semester hours or its equivalent in quarter hours at the time of early exam administration;

D. will not be enrolled in more than two (2) semester hours or its equivalent in quarter hours during the month of early bar examination testing and the immediately preceding month;

E. has been determined by their school to be academically prepared for early testing

F. provides by the deadline to the Committee on Character and Fitness, on a form provided by the Committee, an affidavit attested to by the applicant and the law school that they meet the above criteria. The law school's decision whether to certify that the student meets the criteria is final and shall not be subject to review by the Committee or the Court.

No applicant shall be recommended to practice law until graduation or satisfaction of all requirements for graduation, and completion of all requirements for admission to the practice of law under these rules. If an applicant under this subsection has not graduated with a juris doctor within one hundred twenty (120) days of the first day of early exam administration, all parts of the Arizona uniform bar examination, including the score, are void and the applicant's examination scores shall not be disclosed for any purpose. Scores may not be released until such time as satisfactory proof of award of juris doctor, as determined by the Court, is provided to the Committee. An early examination which is voided shall count as an examination attempt under Rule 35(c)(1).

At the completion of the juris doctor requirements and within sixty (60) days after graduation, the applicant must cause his or her law school, dean, or registrar to submit to the Committee on Character and Fitness proof of graduation, showing his or her juris doctor was conferred within one hundred twenty (120) days of the first day of early exam administration. Failure to complete the course of study within one hundred twenty (120) days of the examination and provide evidence of graduation within an additional sixty (60) days shall render the applicant's score void.

3. The Committee on Character and Fitness shall endeavor to complete its inquiries, some or all of which may be delegated to the National Conference of Bar Examiners, to be in position to recommend for or against a successful Arizona uniform bar examinee's admission to the practice of law no later than the time the results of the Arizona uniform bar examination are available for examination applicants. This time limitation is aspirational only, and may be extended for further inquiry and formulation of a recommendation when the circumstances of a case so require.

(c) Application and Character Report Materials. Any person desiring to be admitted to the practice of law in the State of Arizona must submit to the Committee on Character and

Fitness an application in the form supplied by the Committee. The application for admission must be accompanied by required supporting documents and application fee.

1. The Arizona uniform bar examination applicant shall also complete and submit a character report accompanied by a character investigation fee as established by the Court. For an Arizona uniform bar examination applicants only, the character report and related fee may be submitted separately from the application for admission.

2. An applicants for admission on motion or admission by transfer of uniform bar examination score shall submit character investigation materials together with the application.

(d) Documents Required in Support of Application. The following must accompany every application:

1. subject to the exception made in paragraph (b)(1)(D) of this rule, the applicant's law school diploma, or other evidence satisfactory to the Committee on Character and Fitness showing the applicant is a graduate with a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation;

2. if the applicant has been previously admitted to practice law in any jurisdiction, foreign or domestic, the certificate of the appropriate court agency(ies) or the mandatory bar association, whichever has custody of the roll of attorneys in such jurisdiction, indicating the date of admission and that the applicant is presently in good standing, or that the applicant resigned in good standing or is capable of achieving good standing status in that jurisdiction;

3. for applicants taking the Arizona uniform bar examination, an examination fee as established by the Court;

4. an application fee as established by the Court;

5. a full face photograph of the applicant's head, neck and shoulders, without a hat, and not larger than two and one-half (2.5) inches by two and one half (2.5) inches nor smaller than two (2) inches by two (2) inches taken within six months prior to filing with the Committee on Character and Fitness; and

6. a complete set of the applicant's fingerprints. The Committee on Character and Fitness is authorized to receive criminal history information regarding any applicant for admission from any law enforcement agency in conjunction with the admissions process.

(e) Arizona Uniform Bar Examination Application Filing Schedule; Fees

1. On the basis of an application for admission by Arizona uniform bar examination properly and timely filed, with all required supporting documents and fees, the applicant will be certified to sit for the Arizona uniform bar examination.

2. The application for admission and all of the documents required to be submitted by the Arizona uniform bar examination applicant must be timely submitted, with required fees, in accordance with the schedule and filing fees established by the Court. In the event an

application, documents or fees are submitted after the initial filing deadline, late fees as established by the Court shall be assessed. No application, documents or fees will be accepted after the close of filing deadline, as established by the Court.

Any applicant failing to pass a written Arizona uniform bar examination who wishes to take the next subsequent examination must submit an application for examination, required supporting documentation, and application and examination fees as established by the Court, no later than twenty days after the date of the letter notifying the applicant of the applicant's failure to pass the written examination. If the application is submitted after twenty days, a late application fee shall be paid in accordance with the schedule and filing fees established by the Court. No application for subsequent Arizona uniform bar examination will be accepted after the filing deadline as established by the Court.

3. When an application to take the Arizona uniform bar examination is properly filed with required supporting documents, the applicant shall be promptly notified that the application is in order and that the applicant is certified to sit for the Arizona uniform bar examination, specifying the time and place of such examination.

(f) Admission on Motion.

1. An applicant who meets the requirements of (A) through (H) of this paragraph (0)(1) may, upon motion, be admitted to the practice of law in this jurisdiction. The applicant shall:

A. either (i) have been admitted by bar examination to practice law in another jurisdiction allowing for admission of Arizona lawyers on a basis equivalent to this rule, or (ii) have been admitted by bar examination to practice law in another jurisdiction that does not allow for admission of Arizona lawyers on a basis equivalent to this rule and thereafter were admitted to and primarily engaged in the active practice of law in another jurisdiction allowing admission of Arizona lawyers on a basis equivalent to this rule for three of the five years immediately preceding the date upon which the application is filed;

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation;

C. have been primarily engaged in the active practice of law in one or more states, territories, or the District of Columbia for three of the five years immediately preceding the date upon which the application is filed;

~~C.D.~~ "primarily engaged in the active practice of law" means the applicant derived more than 50% of the applicant's income in each of the required three years from the practice of law.

~~D.E.~~ submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction;

E.F. establish that the applicant is currently a member in good standing and is not on conditional admission in all jurisdictions where admitted;

F.G. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

G.H. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

H.I. submit evidence of successful completion of the course on Arizona law described in paragraph (j) of this rule.

2. For the purposes of this rule, the “active practice of law” shall include the following activities, if performed in a jurisdiction in which the applicant is admitted, or if performed in a jurisdiction that permits such activity by a lawyer not admitted to practice; however, in no event shall any activities that were performed in advance of bar admission in some state, territory or the District of Columbia be accepted toward the durational requirement:

- A. representation of one or more clients in the practice of law;
- B. service as a lawyer with a local, state, or federal agency, including military service;
- C. teaching law full-time at a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association;
- D. service as a judge in a federal, state, territorial, or local court of record;
- E. service as a judicial law clerk;
- F. service as corporate counsel; or
- G. service as corporate counsel in Arizona before January 1, 2009 or while registered pursuant to Rule 38(h). Active practice performed within Arizona pursuant to Rule 38(h) may be applied to meet active practice requirements found in Rule 34(01)(A)(ii) provided all other requirements of Rule 34(f) are met.

3. For purposes of this rule, the active practice of law shall not include work that, as undertaken, constituted the unauthorized practice of law in the jurisdiction in which it was performed or in the jurisdiction in which the clients receiving the unauthorized services were located. The “active practice of law” is further defined to require that at all times in the durational period the applicant has held a law license in “active” status.

4. An applicant who has failed a bar examination administered in this jurisdiction or who has passed the uniform bar examination in another jurisdiction but failed to achieve the Arizona scaled score within five years of the date of filing an application under this rule shall not be eligible for admission on motion.

5. The Court shall approve jurisdictions considered “reciprocal” to Arizona, and the Committee shall publish and make available a list of reciprocal jurisdictions.

(g) Admission on Motion Application Filing; Fees. Any applicant seeking admission on motion to the practice of law in Arizona must meet the requirements of paragraph (f) of this rule and shall:

1. file an application for admission on motion, including character investigation information, in a manner established by the Court, including all required supporting documents, and

2. pay the application fee as established by the Court.

(h) Admission by Transfer of Uniform Bar Examination Score.

1. An applicant who has taken the uniform bar examination in another jurisdiction and who meets the requirements of (A) through (G) of this paragraph (h)(1) may be admitted to the practice of law in this jurisdiction.

The applicant shall:

A. have achieved a scaled score on the uniform bar examination that is equal to or greater than the minimum acceptable score established by the Committee on Examinations and that was earned within five years prior to the applicant’s taking the oath of admission and being admitted to the practice of law in Arizona;

B. hold a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association at the time of graduation;

C. submit evidence of a passing score on the Multistate Professional Responsibility Examination as it is established in this jurisdiction, earned within five years of the date of application;

D. establish that the applicant is currently a member in good standing in every jurisdiction, foreign or domestic, wherever admitted to practice law; if the applicant is not presently in good standing, establish that the applicant resigned in good standing or is capable of achieving good standing;

E. establish that the applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;

F. establish that the applicant possesses the character and fitness to practice law in this jurisdiction; and

G. submit evidence of successful completion of the course on Arizona law described in paragraph (j) of this rule.

2. For the purpose of paragraph (h)(1)(a) of this rule, a score is considered to have been earned on the date of administration of the uniform bar examination that resulted in the score.

3. An applicant who failed to earn the minimum acceptable score established by the Committee on Examinations within three attempts, regardless of where the uniform bar examination was taken, shall not be eligible for admission by transfer of uniform bar examination score under this paragraph.

4. Before being admitted by transfer of uniform bar examination score, the applicant must complete a course on Arizona law, the content and method of delivery of which shall be approved by the Supreme Court.

(i) Admission by Transfer of Uniform Bar Examination Score Application Filing; Fees. Any applicant seeking admission to the practice of law based on transfer of uniform bar examination score must meet the requirements of paragraph (h) and shall:

1. file an application for admission by transfer of uniform bar examination score, including character investigation information, in a manner established by the Court, including all required supporting documents, and

2. pay the application fee as established by the Court.

(j) Completion of Course on Arizona Law. Before being admitted to the practice of law in Arizona, Arizona uniform bar examination applicants, applicants for admission by transfer of uniform bar examination score, and applicants for admission upon motion must complete a course on Arizona law, the content and delivery of which shall be approved by the Supreme Court.

(k) Deficiency in Examination Application and Supporting Documents. If the Committee on Examinations finds that an application is deficient, or the required supporting documents are deficient, or both, the Committee shall advise the applicant in writing of the deficiency, and the assessment of applicable late fees as established by the Court. The Committee shall allow the applicant either to supply additional information or to correct, explain in writing, or otherwise remedy the defects in the applicant's application, supporting documents, or fees up until the filing deadline. If such deficiencies in an examination application are not cured by the examination deadlines established by the Court, and if the Committee's reasons for refusing to grant permission for the applicant to take an examination are of record as a part of the applicant's file, the Committee

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6. *Notice to Applicant.* The hearing panel's final decision must be mailed to the applicant at the applicant's last known address, and a copy must be mailed to the applicant's attorney of record, if applicable.

7. *Denial of Admission as Final Decision.* The decision of the Committee to deny admission is final, absent the filing of a petition for review by the applicant pursuant to paragraph (h)(1) of this rule.

(g) **Conditional Admission**

1. *Eligibility for Conditional Admission.* An applicant who has engaged in conduct that could have previously rendered him or her unfit to practice law may be conditionally admitted if the applicant shows meaningful and sustained rehabilitation and otherwise satisfies the eligibility requirements for admission, including fitness requirements and good moral character. Applicants for admission on motion are not eligible for conditional admission.

2. *Conditional status.* An applicant's admission to the practice of law pursuant to this paragraph is conditioned on his or her compliance with the terms of the conditional admission order. At the end of the period of conditional admission, the conditional admittee will achieve regular admission only after he or she demonstrates compliance with the terms of the conditional admission order.

3. *Terms of Conditional Admission.* The Committee, through the assigned panel, may recommend to the Court that an applicant's admission be conditioned on the applicant's complying with conditions that are designed to detect behavior that could render the applicant unfit to practice law and to protect clients and the public. The terms of conditional admission must be attached to the Committee's decision recommending conditional admission. The terms of conditional admission will always include the length of the conditional admission and a prohibition against the violation of any criminal laws and the Arizona Rules of Professional Conduct.

4. *Review by Court.* The recommendation for conditional admission and the terms of conditional admission will be transmitted to the Court for review as provided in paragraph (h)(2). If the Court declines review or otherwise approves the recommendation, the panel will issue an Order of Conditional Admission. The Order of Conditional Admission must include the terms of conditional admission.

5. *Compliance with Order of Conditional Admission.* Bar counsel will monitor and supervise the conditional admittee during the period of conditional admission. The conditional admittee will be responsible for the direct costs of monitoring and supervision. At least quarterly, bar counsel must provide the Committee and staff with a status report on each conditional admittee regarding the admittee's compliance with the terms. Bar counsel must promptly report any violations to staff and solicit their input as to whether a violation is material. If bar counsel determines that the conditional admittee has materially violated the terms of the Order of Conditional Admission, bar counsel will initiate proceedings with the Committee pursuant to paragraph (g)(6).

6. *Violation of Order of Conditional Admission.* Upon determining that the conditional admittee has materially violated the terms of the conditional admission, bar counsel must file a notice of violation with the Committee and serve a copy on the conditional admittee. The filing of a notice of violation will automatically extend the conditional admission until the matter is resolved by the Committee. As soon as practicable, the Committee must hold a hearing to determine if the order has been violated. The hearing panel for the violation hearing will consist of at least a majority of the current members of the Committee. The Chair or his or her designee will preside over the hearing. Bar counsel must prove a material violation by a preponderance of the evidence. The Committee's decision will require a concurrence of a majority of the panel members. If the Committee determines that a material violation has been proved, the Committee may revoke, extend, or modify the Order of Conditional Admission. The Committee's decision is final subject to the filing of a petition for review pursuant to paragraph (h).

7. If the Committee determines that there was a material violation of the terms based on a violation of the ethical rules but did not revoke the Order of Conditional Admission, the Committee may refer the matter to the State Bar for discipline proceedings pursuant to Rule 55.

8. *Conversion to Regular Admission.* It is the conditional admittee's responsibility to demonstrate compliance with the Order of Conditional Admission in order to convert to regular admission. No sooner than sixty (60) days prior to the conclusion of the term of conditional admission, the conditional admittee must file with the Committee a Notice of Compliance with Order of Conditional Admission and serve a copy on bar counsel. The conditional admittee must demonstrate compliance by a preponderance of the evidence. Within twenty (20) days after service of the notice of compliance, bar counsel must file a response. If bar counsel agrees that the conditional admittee has demonstrated compliance and should achieve regular admission, the matter can be submitted to the Committee for consideration. If bar counsel or staff does not agree that regular admission is appropriate, the matter must be set for hearing before the Committee, as provided in paragraph (g)(6). Bar counsel's or staff's objection to regular admission will automatically extend the conditional admission until the matter is resolved by the Committee. Failure of the conditional admittee to fulfill the terms of the Order of Conditional Admission may result in a modification of the order which may include extension of the period of conditional admission, suspension or revocation of the conditional admission, or such other action as the Committee deems appropriate. If the conditional admittee fails to file the notice of compliance, the Order of Conditional Admission will be revoked at the end of the period of conditional admission. In all cases, the Committee will issue an appropriate order. The Committee's decision is final subject to the filing of a petition for review pursuant to paragraph (h).

9. *Effect of Revocation on Time for Reapplication.* If the conditional admission is revoked, an applicant may not reapply for admission for a period of five years from the date of the revocation, unless the Committee or Court orders otherwise.

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Rule 38. Special Exceptions to Standard Examinations and Admission Process

(a) In-house Counsel

1. As used in this rule, “in-house counsel” shall refer to an attorney who is employed within the State of Arizona as in-house counsel or a related position for a for-profit or a non-profit corporation, association, or other organizational entity, which can include its parents, subsidiaries and/or affiliates, the business of which is lawful ~~and is other than the practice of law or law or the provision of legal services.~~

2. A lawyer who is not a member of the State Bar of Arizona, but who holds a juris doctor degree from a law school approved by the Council of the Section of Legal Education and Admissions to the Bar of the American Bar Association and is currently a member in good standing of the bar of another state or the District of Columbia, or eligible to practice before the highest court in any state, territory or insular possession of the United States, and who is employed within the State of Arizona as in-house counsel, as hereinabove defined, may apply for an Arizona Certificate of Registration of In-House Counsel (“Registration Certificate”). A lawyer employed as in-house counsel who is admitted to practice in a jurisdiction outside of the United States, in accordance with the standards and requirements generally applicable to the practice of law in that jurisdiction, may also apply for a Registration Certificate.

3. An applicant for a Registration Certificate shall:

A. file with the State Bar of Arizona its form of verified application for an Arizona Certificate of Registration of In-House Counsel;

B. attach to the verified application a certificate from the state bar or from the clerk of the highest admitting court of each state, territory, or insular possession of the United States, or foreign jurisdiction, in which the applicant has been admitted to practice law certifying the current status of the applicant’s membership or eligibility to practice therein;

C. certify that the applicant has read and is familiar with the Arizona Rules of Professional Conduct;

D. pay an application fee in an amount established by the Supreme Court; and

E. submit evidence that the applicant has successfully completed the course on Arizona law described in Rule 34(j).

4. An attorney who is employed by an eligible organization as in-house counsel on the effective date of this rule shall apply for a Registration Certificate within one hundred and eighty (180) days of that effective date. From and after the effective date of this rule, any attorney who commences employment by an eligible organization as in-house counsel shall apply for a Registration Certificate within ninety (90) days of the date of commencement of employment. No person who has lived or worked in this State for more than one year prior to

applying for a Registration Certificate is eligible for admission on motion, if part of the applicant's "active practice" includes practice pursuant to a Registration Certificate.

5. On or before February 1 of each year, in-house counsel registered pursuant to the provisions of this rule, who continues to be employed as in-house counsel within the State of Arizona, shall renew the Registration Certificate and pay a renewal fee set by the Supreme Court.

6. Upon a determination by the State Bar of Arizona that the applicant has complied with the requirements of subpart (3) of this rule, the State Bar shall issue to the applicant a Registration Certificate. The State Bar shall promptly notify any applicant if it determines that an application fails to comply with the requirements of subpart (3) of this rule, and the applicant shall have thirty (30) days from the date of such notice in which to cure any deficiency. If the applicant fails to cure such deficiency within that thirty (30) day period, the application shall be deemed denied.

7. Each lawyer issued a Registration Certificate shall report to the State Bar of Arizona, within thirty (30) days, any change in bar membership status in any jurisdiction of the United States or in any foreign jurisdiction where the applicant has been admitted to the practice of law, or the imposition of any disciplinary sanction by any federal or state court or agency before which the applicant has been admitted to practice, or in any state in which the lawyer has rendered legal services while temporarily authorized under any rule or by admission *pro hac vice*.

8. If there is a change in circumstances, and an attorney holding a current Registration Certificate becomes ineligible for such Certificate, the attorney shall notify the State Bar of Arizona of such change in writing within thirty (30) days. An attorney registered pursuant to this rule who has become employed by a different eligible entity, but continues to meet all the requirements of this rule, may apply for the issuance of an amended Registration Certificate to reflect that change.

9. Except as provided in this rule, the holder of a valid and current Registration Certificate shall be entitled to the benefits and responsibilities of active members of the State Bar of Arizona, and shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the laws and rules of this state governing the conduct and discipline of attorneys to the same extent as an active member of the State Bar. A Registration Certificate shall not authorize the registrant to provide legal services to any person or entity except when providing legal services to the one for which the registrant serves as in-house counsel, or its parents, subsidiaries or affiliates, or when providing legal services under Rule 38(e).

10. In providing legal services to the lawyer's employer, a lawyer who has been issued a Registration Certificate under this rule may also secure admission *pro hac vice* in Arizona to provide the services authorized in the preceding paragraph by complying with the requirements of Rule 39 of these rules. A lawyer who has been issued a Registration Certificate under this rule may provide services under Rule 38(e) without securing admission *pro hac vice*.

11. A lawyer who has been issued a Registration Certificate under this rule shall satisfy the continuing legal education requirements, if any, of at least one of the other state(s) or jurisdiction(s) in which that lawyer is admitted to practice. If not subject to mandatory continuing legal education requirement in the other state(s) or jurisdiction(s), the lawyer shall comply with Arizona's continuing legal education requirements. On or before September 15 of each calendar year, every registered in-house counsel shall file an affidavit demonstrating full compliance with this rule.

12. A lawyer's authority to practice as in-house counsel under a Registration Certificate issued pursuant to this rule shall be suspended when the lawyer is suspended or disbarred for disciplinary reasons in any jurisdiction of the United States, or by any federal court or agency, or by any foreign nation before which that lawyer has been admitted to practice.

13. A lawyer serving as in-house counsel in Arizona who fails to register pursuant to the provisions of this rule shall be ineligible for admission *pro hac vice* in Arizona, and may be referred by the State Bar of Arizona to the Bar admission and/or disciplinary regulatory authority in any jurisdiction in which that lawyer has been admitted to practice of law.

14. An applicant may petition the Arizona Supreme Court for a waiver of any of the requirements for registration under this rule.

(b) Foreign Legal Consultant.

1. *Definition.* A "foreign legal consultant" is a person who is admitted to practice and is in good standing as an attorney or counselor at law or the equivalent in a foreign country or political subdivision of a foreign country, and has been issued a certificate of registration as a foreign legal consultant.

2. *Requirement for Certificate of Registration.* To be issued a certificate of registration as a foreign legal consultant, an applicant must:

A. for a period of not less than five of the seven years immediately preceding the date of the application, have been admitted- to practice and have been in good standing as an attorney or counselor at law or the equivalent in a foreign country or political subdivision of a foreign country; and have engaged either: (i) in the practice of law in such country or political subdivision; or (ii) in a profession or occupation that requires admission to practice and good standing as an attorney or counselor at law or the equivalent in such country or political subdivision;

B. possess the good moral character necessary for a member of the state bar;

C. intend to practice as a registered foreign legal consultant in this state and to maintain an office in the state for such practice;

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leaves the approved funded indigent defense office in order to work for another approved funded indigent defense office, a notification of new employment shall be filed with the clerk of the Court and the State Bar of Arizona. In the event of an applicant transferring from one approved funded indigent defense office to another, the time limits for expiration of licensure under this rule shall run from the date of the original order of admission. No applicant may be admitted more than once pursuant to this rule.

6. *Discipline.* In addition to any appropriate proceedings and discipline that may be imposed by the Court under these rules, the Rule 38(g) attorney shall be subject to the following disciplinary measures:

- A. civil contempt imposed by the presiding judge or hearing officer for failure to abide by a tribunal's orders in any matter in which the Rule 38(g) attorney has participated; and
- B. withdrawal of the certification hereunder, with or without cause, by either the Supreme Court, or the funded indigent defense office.

7. *Limitation of Activities.* An attorney authorized to practice under this rule shall not perform any legal services within the State of Arizona except for clients of the approved funded indigent defense office by which the attorney is employed. The attorney shall not accept any compensation for such services except such salary as may be provided to him or her by the office. Part-time employment is not permitted under this rule.

8. *Supervision.* An attorney authorized to practice under this section who has been practicing in Arizona for less than two years shall be supervised by an attorney who is an active member of the State Bar of Arizona, who is employed full time by the approved funded indigent defense office for whom the applicant attorney works, and who will act as a supervisory lawyer pursuant to Rule 42 of the Rules of the Supreme Court of Arizona, ER 5.1.

(h) Practice Pending Admission on Motion

1. An applicant who meets the requirements of paragraph (f) of Rule 34 and whose application for admission on motion has been filed with ~~and deemed complete by the~~ Committee on Character and Fitness may provide legal services in Arizona through an office or other place for the regular practice of law in Arizona for no more than 365 days, provided that the applicant:

- A. does not cease to be a member in good standing in every jurisdiction, foreign or domestic, wherever admitted to practice law;
- B. does not become subject to lawyer discipline or the subject of a disciplinary matter in any other jurisdiction;
- C. has never been denied admission on character and fitness grounds in any jurisdiction;

D. reasonably expects to fulfill all of Arizona's requirements for admission on motion;

E. associates with and is supervised by an attorney who is admitted to practice law in Arizona, and discloses in his or her application for admission on motion the name, address, and membership status of that attorney;

F. provides with his application for admission on motion a signed verification from the Arizona attorney certifying the applicant's association with and supervision by that attorney;

G. includes in all written communications with the public and clients the following language: "Arizona practice temporarily authorized pending admission under Ariz. R. Sup. Ct. 38(h). Supervision by [name of Arizona attorney], a member of the State Bar of Arizona"; and

H. pays the annual assessment to the Client Protection Fund.

2. Until the applicant's application for admission on motion is granted, the applicant may not appear before a court of record or tribunal in Arizona that requires pro hac vice admission unless the applicant is granted such admission pursuant to Rule 39.

3. The applicant must immediately notify that Committee on Character and Fitness if the applicant becomes subject to a disciplinary or disability investigation, complaint, or sanctions in any other jurisdiction at any time during the 365 days of practice authorized by this rule. The Committee on Character and Fitness shall take into account such information in determining whether to grant the attorney's application for admission to practice law in Arizona

4. Any attorney practicing under this rule shall be subject to the Rules of Professional Conduct and the Rules of the Supreme Court regarding attorney discipline in the State of Arizona

5. The authority given an applicant to practice law pending admission pursuant to this rule shall terminate immediately if:

A. the applicant withdraws the application for admission by motion, or the application is denied;

B. the applicant fails to remain in compliance with paragraph (h)(1) of this rule;

C. the applicant is disbarred, suspended, or placed on disability inactive status in any other jurisdiction in which the applicant is licensed to practice law; or

D. the applicant fails, to comply with the notification requirements of paragraph (h)(3) of this rule.

6. Upon the termination of authority to practice law pursuant to this rule, the applicant shall:

- A. immediately cease practicing law in Arizona;
 - B. notify in writing all clients in pending matters, and opposing counsel and co-counsel in pending litigation, of the termination of the applicant's authority to practice law in Arizona; and
 - C. take all other necessary steps to protect the interests of the applicant's clients.
- (i) Military Spouse Temporary Admission.

1. *Requirements.* An attorney who is not a member of the State Bar of Arizona who meets the requirements of (A) through (N) of this paragraph (i)(1) ("Applicant") may, upon verified application, be admitted to the temporary practice of law in this jurisdiction. The Applicant shall:

- A. have been admitted by bar examination to practice law in another jurisdiction in the United States or territory;
- B. hold a juris doctor degree from a law school provisionally or fully approved by the American Bar Association at the time of graduation;
- C. submit evidence of achieving the passing score established in this jurisdiction for the Multistate Professional Responsibility Examination;
- D. establish that the Applicant is currently an active member in good standing in at least one jurisdiction where admitted, and establish that the Applicant is a member in good standing in all jurisdictions where admitted;
- E. establish that the Applicant is not currently subject to lawyer discipline or the subject of a pending disciplinary matter in any other jurisdiction;
- F. establish that the Applicant possesses the character and fitness to practice law in this jurisdiction;
- G. submit evidence that the Applicant has successfully completed the course on Arizona law described in Rule 34(j);
- H. submit evidence that the Applicant is a dependent spouse of a service member of the United States ~~Uniformed~~ Armed Services as defined by the Department of Defense;